

REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendments and the following remarks.

Claim 1 has been amended, claim 6 has been canceled, and claims 2-5 are withdrawn. Claim 1 is currently pending in the application and subject to examination.

I. **Objection to the Drawings**

In the Office Action mailed April 27, 2006, the Examiner objected to the drawings. New figure 20 has been submitted pursuant to 37 C.F.R. 1.121(d) to show the "pillow ball joint" as claimed in claim 6. The Applicant notes that claim 6 has been canceled. Therefore, the Applicant requests the withdrawal of the objection to the figures.

II. **Objection to the Specification**

The Examiner objected to the specification for informalities. The specification has been amended in response to the Examiner's objections. The Applicant respectfully requests the withdrawal of the objection to the specification.

III. **Rejection Under 35 U.S.C. § 112**

The Examiner rejected claim 1 under 35 U.S.C. § 112, second paragraph as being indefinite. Claim 1 has been amended responsive to this rejection. The Applicant respectfully requests that the Examiner withdraw his rejection of claim 1 under § 112.

IV. **Rejection Under 35 U.S.C. § 102**

The Examiner rejected claim 1 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,990,725 to Allison ("Allison"). In addition, the Examiner rejected claim 1 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,672,605 to Basnett ("Basnett"). The Applicant notes that claim 1 has been amended. To the extent

that the rejections are applicable to amended claim 1, the Applicant traverses the rejections as follows.

Applicant's invention as set forth in amended claim 1 is directed to a supporting structure of a stabilizer to a vehicle body including a twist-deformable torsion bar having a pair of arms at respective ends thereof, a connecting portion, a suspension connected to the respective arm of the torsion bar, and a supporting device that connects the vehicle body to the connecting portion of the torsion bar, and comprises a ball joint which supports the torsion bar rotatably relative to the vehicle body.

These features of the invention support the torsion bar of a stabilizer in a vehicle body in a way that allows it to freely twist and deform, increasing the comfort level for the rider of the vehicle.

A. Allison

Allison teaches a motor vehicle suspension system with a torsion bar (26) with a pair of arms (32) being connected to a suspension (16) and having a ball joint connection (36). However, Allison does not disclose or suggest a torsion bar and a suspension being directly connected and a supporting device and a ball joint disposed between the torsion bar and a vehicle body, as claimed in claim 1.

For at least these reasons, the Applicant submits that claim 1, as amended, is allowable over Allison.

B. Basnett

Basnett teaches a vehicle anti roll bar and a suspension system including a pair of camber control arms (50) that are pivotally attached to the vehicle body and may include a ball joint. However, Basnett does not disclose or suggest that the ball joint (72)

is comprised in a supporting device that connects the vehicle body to the connecting portion of the torsion bar, wherein the ball joint supports the torsion bar rotatably relative to the vehicle body, as claimed in amended claim 1. Basnett does not disclose or suggest that the ball joint is even connected with the anti-roll bar, which the Examiner asserts corresponds to the torsion bar.

For at least this reason, the Applicant submits that claim 1, as amended, is allowable over Basnett.

V. Rejection Under 35 U.S.C. § 103(a)

The Examiner rejected claim 1 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,387,004 to Engel ("Engel") in view of U.S. Patent No. 2,082,509 to Rabe ("Rabe").

Engel teaches a torsion suspension including a torsion bar (42) with a pair of arms (41) connected to the chassis at 3 and coupled to a transverse link (2). The Examiner admits that Engel does not disclose or suggest a supporting device including a ball joint.

The Examiner relies on Rabe for teaching this element. Rabe teaches a springing arrangement for wheels mounted on swinging half axles including a ball joint connection. Spring bars are also described. However, Rabe does not disclose or suggest a supporting device that connects the vehicle body to the connecting portion of the torsion bar and including a ball joint which supports the torsion bar rotatably relative to the vehicle body, as claimed in claim 1.

Thus, neither Engel nor Rabe disclose or suggest a ball joint disposed between the torsion bar and the vehicle body, as claimed in claim 1.

With regard to the rejections under §103 in the Office Action, it is also respectfully submitted that the Examiner has not yet set forth a *prima facie* case of obviousness. The PTO has the burden under §103 to establish a *prima facie* case of obviousness. In re Fine, 5 U.S.P.Q.2nd 1596, 1598 (Fed. Cir. 1988). Both the case law of the Federal Circuit and the PTO itself have made clear that where a modification must be made to the prior art to reject or invalidate a claim under §103, there must be a showing of proper motivation to do so. The mere fact that a prior art reference could arguably be modified to meet the claim is insufficient to establish obviousness. The PTO can satisfy this burden only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references. Id. In order to establish obviousness, there must be a suggestion or motivation in the reference to do so. See also In re Gordon, 221 U.S.P.Q. 1125, 1127 (Fed. Cir. 1984) (prior art could not be turned upside down without motivation to do so); In re Rouffet, 149 F.3d 1350 (Fed. Cir. 1998); In re Dembiczak, 175 F.3d 994 (Fed. Cir. 1999); In re Lee, 277 F.3d 1338 (Fed. Cir. 2002).

In the Office Action, the Examiner merely states that the present invention is obvious in light of the cited references. See, e.g., Office Action at page 5. This is an insufficient showing of motivation.

For at least these above described reasons, the Applicant submits that claim 1, as amended, is allowable over the cited art.

CONCLUSION

For all of the above reasons, it is respectfully submitted that the claims now pending patentability distinguish the present invention from the cited references. Accordingly, reconsideration and withdrawal of the outstanding rejections and an issuance of a Notice of Allowance are earnestly solicited.

Should the Examiner determine that any further action is necessary to place this application into better form, the Examiner is encouraged to telephone the undersigned representative at the number listed below.

In the event this paper is not considered to be timely filed, the Applicants hereby petition for an appropriate extension of time. The fee for this extension may be charged to our Deposit Account No. 01-2300. The Commissioner is hereby authorized to charge any fee deficiency or credit any overpayment associated with this communication to Deposit Account No. 01-2300, referencing Attorney Docket No. 100354-00210.

Respectfully submitted,



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